

MAR 20 2009

REMARKS

In response to the Office Action, Paper No./Mail Date 20081129, dated December 8, 2008, Applicant has carefully studied the references cited by the Examiner and the Examiner's comments relative thereto. The present amendment supplements an amendment filed March 9, 2009. The March 9, 2009 amendment did not include new Claim 61. Appropriate correction has been made

Claims 1, 22, 26, 38, 52, and 55-59 have been amended.

Claims 39, 49-51 have been cancelled.

New Claim 61 has been added.

Claims 1-10, 22, 26, 38, 40-48, and 52-61 remain in the application.

No new matter has been added.

Reconsideration of the application, as amended, is respectfully requested.

New Claim

Claim 61 clearly defines the Applicant's invention and distinguishes the invention over the cited art, namely U.S. Pat. No. 6,358,446 to Clarke. Claim 61 recites (underlining added):

A blow molded plastic container including a hollow body and an externally threaded neck providing communication with the hollow body, the container comprising:

a first layer of plastic forming the hollow body; and  
a second layer of plastic foam including cells containing one of carbon dioxide and nitrogen, the second layer in intimate contact with the first layer forming the hollow body and forming the threaded neck.

The structure illustrated and described in the Clarke reference does not disclose a threaded neck formed as a foam. In fact, Clarke explicitly teaches away from a container having a threaded neck formed from a foam. Clarke explicitly states that the threaded portion remains unfoamed "even with relatively high concentrations of blowing agent" (see Col. 9, lines 10-22; and Figs. 1-4 and 16-20). The Clarke reference cannot properly serve as a basis for rejection of Claim 61 under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a).

It is submitted that the claims distinctly define the Applicant's invention and distinguish the same from the prior art. Reconsideration of the application, as amended, is respectfully requested. A formal Notice of Allowance is solicited.

While the Applicant's attorney has made a sincere effort to properly define Applicant's invention and to distinguish the same from the prior art, should the Examiner deem that other language would be more appropriate, it is requested that a telephone interview be had with the Applicant's attorney in a sincere effort to expedite the prosecution of the application.